

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 74 OF 2005.
IN
CRIMINAL APPEAL NO. 24 OF 2005.

Kisan Nathu Pardeshi.

..Applicant.

vs.

The State of Maharashtra.

..Respondent.

Office Notes, Office :
Memoranda of Coram, : Court's or Judge's orders
appearances, Courts's :
orders or directions :
and Registrar's orders. :

Shri Jayesh B. Kocheta for the applicant.
Shri D.P. Adsule, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 09.02.2005.

P.C.:

1. Heard learned Counsel appearing on

behalf of the applicant and the learned

A.P.P. for the State.

2. The applicant is original accused

No.1, who is convicted by the Special
Judge, Pune, for having committed an
offence punishable under section 3(1)(ii)
and 3(4) of the M.C.O.C. Act, 1999 and he
is sentenced to suffer R.I. for 5 years
and to pay a fine of Rs. 5 lacs on both
the counts.

3. It is submitted that applicant is in

jail since 29.12.2001 and he has undergone
more than 3 years of sentence. It is
submitted that out of the offences which

are allegedly committed by the applicant, most of the offences are prior to 1999 and, therefore, provisions of section 2(d) will not apply to the present case. It is further submitted that the complaint at serial No.16 of the list of cases mentioned in the F.I.R. does not state the name of the applicant as the person, who had committed robbery. Reliance is placed on the Division Bench judgments of this Court in the case of Bharat Shantilal Shah and others vs. State of Maharashtra reported in 2003 Bom.C.R. (Cri.) 947 and in the case of Jaisingh Ashrafilal Yadav and others vs. State of Maharashtra and anr. reported in 2003 Bom.C.R. 1606.

4. The learned A.P.P. for the state has vehemently opposed the submissions made by the learned Counsel appearing for the applicant. He has submitted a report given by the police of the cases which are pending against the applicant. It is submitted that the applicant is involved in 2 murder cases, 2 cases of attempt to commit murder, 3 cases of dacoity, 9 cases of extortion, 3 cases of causing grievous hurt and 3 other cases of theft unlawful assembly etc.

5. Considering the antecedents of the present applicant, this is not a fit case where applicant is entitled to be released on bail. The submissions made by the learned Counsel appearing for the applicant cannot be accepted. Ratio of the judgments on which reliance is placed by the learned Counsel appearing for the applicant are not applicable to the facts of the present case. Application for bail is, therefore, rejected. However, liberty is granted to the applicant to apply for fixing early date of hearing after private paper book is ready.

(V.M.KANADE,J)